

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hideo SHIMAZU

Title: INFORMATION PROVIDING SERVER, CLIENT,
INFORMATION PROVIDING SYSTEM PROCESSING
METHOD, RECORDING MEDIUM RECORDING A
PROGRAM, AND ADVERTISEMENT PROVIDING
METHOD

Appl. No.: 10/023,886

Filing Date: 12/21/2001

Examiner: Daniel Lastra

Art Unit: 3688

Confirmation No.: 5598

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop BOX AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed. A Notice of Appeal is being filed concurrently herewith.

In the final Office Action, claims 2-6, 8-13 and 15-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,882,348 to Hirono in view of U.S. Patent No. 6,734,873 to Herf and further in view of U.S. Patent No. 6,948,131 to Neven and U.S. Patent No. 5,848,373 to Delorme. Appellant disagrees with this rejection for the reasons given below.

Presently pending independent claim 2 recites, among other things, an 'interaction connection means' for receiving an interaction request indicating said other users position marks displayed in said user position display means and specified by said user, checking the

user IDs corresponding to said other users position marks from said user storage data means, and starting an interacting function program to provide connection between said user and said other users having the checked user IDs. See, for example, paragraphs 0126 and 0127 of the published patent application specification, which are provided hereinbelow:

[0126] The interaction connection part 115 provides connection between the user and others specified by the user. The user can specify the other users position marks displayed in the three-dimensional image stereoscopic representation and desire to interact with others. As the connection method, E-mail, phone, and chat can be considered.

[0127] When the user specifies the other users position marks displayed in the three-dimensional image stereoscopic representation on the client terminal 2, the client terminal notifies to the information providing server 1 that there is an interaction request. The interaction connection part 115 of the information providing server 1 checks the user IDs of the specified users from the user database 114. The interaction connection part 115 starts up an execution application of a predetermined interaction means such as E-mail and provides connection between the user and the users having the checked user IDs. A process whether the interaction is established or not or is denied from the other users side or not is performed in the started execution application.

On page 22 of the final Office Action, in the “Response to Arguments” section, it asserts that “Applicant is arguing about limitations not stated in the claims when he mentions that in his present invention the user does not need to know the destination address of the user.” It is further asserted that “DeLorme teaches a system that allow users [to] sightsee in three dimensions (see col 15, lines 45-50), records all the locations of users in [a] map (see figure 2; col 21, lines 55-67) and allows to communicate between different users using said users’ unique ID (see col 38, lines 24-30; col 39, line 47 – col 40, line 15; col 44, lines 10-20; col 63, lines 10 – col 64, line 10).” According to the Examiner, the cited portion of DeLorme meets the claimed limitation.

Appellant respectfully disagrees with these assertions made in the final Office Action. In particular, claim 2 recites that the interaction connection means receives an interaction request indicating other users position marks displayed a said user position display means and specified by a user, and as such, the request is a request made by the user. Note that the request includes other users position marks and does not include destination address

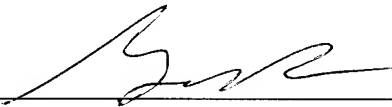
information of those other users. For example, please refer to the ID stamp described in column 38, lines 24-30 of DeLorme.

Note also that the screen sharing feature described in column 39, line 60 to column 40, line 13 of DeLorme, which allows a homebound spouse to notify a driving spouse to do something (e.g., pick up groceries) when that driving spouse is near a particular location, is set up by the homebound spouse beforehand. This does not involve real time communication between the spouses. Rather, the driving spouse is provided with a prerecorded voice message telling him/her what to do when that person arrives at the location (see column 40, lines 10-13 of DeLorme). As such, no selecting of other users position marks by a user in an interaction request is taught or suggested in this portion (or any other portion) of DeLorme.

Accordingly, since DeLorme does not teach or suggest the claimed interaction connection means as recited in presently pending independent claim 2, and since none of the other cited art of record rectifies this deficiency of DeLorme, presently pending independent claim 2, as well as presently pending independent claims 4, 5, 8, 9, 11, 12, 15-17, 19 and 21-27 that recite similar features, patentably distinguish over the cited art of record.

Respectfully submitted,

Date 8/23/2010

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5535
Facsimile: (202) 672-5399

George C. Beck
Registration No. 38,072

Phillip J. Articola
Registration No. 38,819